

32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Holt OF New Jersey, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 1585, AS REPORTED
OFFERED BY MR. HOLT OF NEW JERSEY**

At the end of subtitle E of title X, add the following
new section:

1 **SEC. 1055. REQUIREMENT FOR VIDEOTAPING RECORDINGS**
2 **OF STRATEGIC INTERROGATIONS AND**
3 **OTHER PERTINENT INTERACTIONS AMONG**
4 **DETAINEES OR PRISONERS IN THE CUSTODY**
5 **OF OR UNDER THE EFFECTIVE CONTROL OF**
6 **THE UNITED STATES AND MEMBERS OF THE**
7 **ARMED FORCES, INTELLIGENCE OPERATIVES**
8 **OF THE UNITED STATES, AND CONTRACTORS**
9 **OF THE UNITED STATES.**

10 (a) IN GENERAL.—In accordance with the Geneva
11 Conventions of 1949, the International Covenant on Civil
12 and Political Rights, the Convention Against Torture and
13 Other Cruel, Inhuman, or Degrading Treatment or Pun-
14 ishment, and prohibitions against any cruel, unusual, and
15 inhuman treatment or punishment under the Fifth,
16 Eighth, and Fourteenth Amendments to the Constitution
17 of the United States, the President shall take such actions
18 as are necessary to ensure that any strategic interrogation
19 or other pertinent interaction between an individual who

1 is a detainee or prisoner in the custody or under the effec-
2 tive control of the Armed Forces pursuant to a strategic
3 interrogation, or other pertinent interaction, for the pur-
4 pose of gathering intelligence and a member of the Armed
5 Forces, an intelligence operative of the United States, or
6 a contractor of the United States, is videotaped.

7 (b) COMMENCEMENT OF REQUIREMENT.—The
8 videotaping requirement under subsection (a) shall be ap-
9 plicable to any strategic interrogation of an individual that
10 takes place on or after the earlier of—

11 (1) the day on which the individual is confined
12 in a facility owned, operated or controlled, in whole
13 or in part, by the United States, or any of its rep-
14 resentatives, agencies, or agents; or

15 (2) 7 days after the day on which the individual
16 is taken into custody by the United States or any of
17 its representatives, agencies, or agents.

18 (c) CLASSIFICATION OF INFORMATION.—The Presi-
19 dent shall provide for the appropriate classification to pro-
20 tect United States national security and the privacy of de-
21 tainees or prisoners held by the United States, of video
22 tapes referred to in subsection (a). Videotapes shall be
23 made available, under seal if appropriate, to both prosecu-
24 tion and defense to the extent they are material to any
25 military or civilian criminal proceeding.

1 (d) STRATEGIC INTERROGATION DEFINED.—For
2 purposes of this section, the term “strategic interroga-
3 tion” means an interrogation of a detainee or prisoner
4 at—

5 (1) a corps or theater-level detention facility, as
6 defined in the Army Field Manual on Human Intel-
7 ligence Collector Operations (FM 2-22.3, September
8 2006); or

9 (2) a detention facility outside of the area of
10 operations (AOR) where the detainee or prisoner
11 was initially captured, including—

12 (A) a detention facility owned, operated,
13 borrowed, or leased by the United States Gov-
14 ernment; and

15 (B) a detention facility of a foreign govern-
16 ment at which United States Government per-
17 sonnel, including contractors, are permitted to
18 conduct interrogations by the foreign govern-
19 ment in question.

20 (e) ACCESS TO PRISONERS AND DETAINEES OF THE
21 UNITED STATES TO ENSURE INDEPENDENT MONITORING
22 AND TRANSPARENT INVESTIGATIONS.—Consistent with
23 the obligations of the United States under international
24 law and related protocols to which the United States is
25 a party, the President shall take such actions as are nec-

1 essary to ensure that representatives of the following orga-
2 nizations are granted access to detainees or prisoners in
3 the custody or under the effective control of the Armed
4 Forces:

5 (1) The International Federation of the Inter-
6 national Committee of the Red Cross and the Red
7 Crescent.

8 (2) The United Nations High Commissioner for
9 Human Rights.

10 (3) The United Nations Special Rapporteur on
11 Torture.

12 (f) GUIDELINES FOR VIDEOTAPE RECORDINGS.—

13 (1) DEVELOPMENT OF GUIDELINES.—The
14 Judge Advocates General (as defined in section
15 801(1) of title 10, United States Code, (Article 1 of
16 the Uniform Code of Military Justice)) shall jointly
17 develop uniform guidelines designed to ensure that
18 the videotaping required under subsection (a) is suf-
19 ficiently expansive to prevent any abuse of detainees
20 and prisoners referred to in subsection (a) and viola-
21 tions of law binding on the United States, including
22 treaties specified in subsection (a).

23 (2) SUBMITTAL TO CONGRESS.—Not later than
24 30 days after the date of the enactment of this Act,
25 the Secretary of Defense shall submit to Congress a

- 1 report containing the guidelines developed under
- 2 paragraph (1).